

## **Updates to FAA ASAP Policy as of 7/30/2001**

**1. Conditional Acceptance.** If a report is submitted by an employee covered under the MOU later than 24 hours or the time period stated in the MOU after the occurrence of an event, the ERC will review all available information to determine whether the employee knew or reasonably should have known about the possible violation within 24 hours or the time period stated in the MOU of its occurrence. If the employee did not know or could not have known about the apparent violation(s), then the report would be included in ASAP, provided all other ASAP acceptance criteria have been met. If the employee knew or should have known about the apparent violation(s) during the applicable period, then the report will not be included in ASAP except as follows: For sole source reports that are solicited by the ERC because an event raises significant safety issues and it is essential to obtain this additional information to gain an understanding of the event, the ERC may waive the conditional acceptance criteria of this paragraph. Sole source reports obtained on this basis will be accepted under ASAP, provided that all other ASAP acceptance criteria are met.

**2. Non-reporting employees covered under an ASAP MOU.** If an ASAP report identifies another covered employee of the certificate holder in a possible violation, and that employee has neither signed that report nor submitted a separate report, the ERC will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible violation. If the ERC determines that the employee did not know or could not have known about the apparent violation(s), and the original report otherwise qualifies for inclusion under ASAP, the ERC will offer the non-reporting employee the opportunity to submit their own ASAP report. If the non-reporting employee submits their own report within 24 hours of notification from the ERC, or as described in the MOU, that report will be afforded the same consideration under ASAP as that accorded the report from the original reporting employee, provided all other ASAP acceptance criteria are met. However, if the non-reporting employee fails to submit their own report within 24 hours of notification, or as described in the MOU, the possible violation by that employee will be referred to an appropriate office within the FAA for additional investigation and reexamination and/or enforcement action, as appropriate, and for referral to law enforcement authorities, if warranted.

### **3. Non-reporting employees not covered under the MOU.**

If an ASAP report identifies another employee of the certificate holder who is not covered under the MOU, and the report indicates that employee may have been involved in a possible violation, the ERC will determine on a case-by-case basis whether it would be appropriate to offer that employee the opportunity to submit an ASAP report. If the ERC determines that it is appropriate, the ERC will provide that employee with information about ASAP and invite the employee to submit an ASAP report. If the employee submits an ASAP report within 24 hours of notification, or as described in the MOU, that report will be covered under ASAP, provided all other ASAP acceptance

criteria are met. If the employee fails to submit an ASAP report within 24 hours of notification, or as described in the MOU, the possible violation by that employee will be referred to an appropriate office within the FAA for additional investigation and reexamination and/or enforcement action, as appropriate, and for referral to law enforcement agencies, if warranted.

**4. Repeated Violations.** Reports involving the same or similar alleged violations previously covered under ASAP that satisfy the basic acceptance criteria may also be covered under ASAP. The ERC will determine on a case-by-case basis whether such a report will be covered under ASAP, based upon the facts and circumstances surrounding the alleged violation. The MOU must state that the ERC will be provided with a means of determining whether a report involves a repeat of the same or a similar alleged violation by the same employee previously covered under ASAP. However, the specifics of how this is accomplished do not need to be addressed in the MOU.

#### **5. Enforcement policy for reports excluded under ASAP.**

(a) Excluded reports involving intentional disregard for safety. The following policies apply to alleged violations involving an intentional disregard for safety that are disclosed in ASAP reports:

- (i) Alleged violations involving an apparent intentional disregard for safety that do not demonstrate a lack, or raise a question of a lack, of qualification or medical certification or medical qualification, will be addressed with no more than administrative action, provided the ASAP reports are sole-source reports and provided the employee completes corrective action considered appropriate by the FAA. If the employee fails to complete this corrective action, then the alleged violation will be referred to an appropriate office within the FAA for any additional investigation and/or enforcement action, as appropriate.
- (ii) Alleged violations involving an apparent intentional disregard for safety that also demonstrate or raise a question of a lack of qualification will be referred to an appropriate office within FAA for any additional investigation and reexamination and/or enforcement action, as appropriate.

(b) Untimely Reports. The following policies apply to alleged violations disclosed in reports that are excluded only because they are untimely (e.g. they are submitted later than 24 hours or the time period stated in the MOU):

- (i) Reports that are excluded only because they are untimely that do not demonstrate a lack, or raise a question of a lack, of qualification or medical certification or medical qualification, will be addressed with no more than administrative action, provided the ASAP reports are sole-source reports and provided the employee completes corrective action considered appropriate by the FAA. If the employee fails to complete this corrective action, then the alleged violation will be referred to an appropriate office within the FAA for any additional investigation and/or enforcement action, as appropriate.

(ii) Alleged violations disclosed in reports that are excluded only because they are untimely that also demonstrate a lack, or raise a question of a lack, of qualification or medical certification or medical qualification, will be referred to an appropriate office within the FAA for any additional investigation and reexamination and/or enforcement action, as appropriate.

**6. Revision Control.** The certificate holder shall be responsible for complying with standard revision control methodology with respect to the MOU. The original and subsequent revisions thereto shall include:

- a. for each revision to an original MOU, a change control page, identifying the revision number, a brief synopsis of each change to the original document, and specifying which pages are to be removed and replaced.
- b. a list of effective pages
- c. a table of contents
- d. on each page of the MOU a calendar date for when that page was prepared or revised.
- e. for all revisions to an original MOU, a revision number on each page which is revised.
- f. sequential page numbers on all pages of the MOU (except the cover page, if applicable, which shall be understood to constitute page i).